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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,150	07/24/2003	Alexey S. Kabalnov	200310354-1	2523
22879	7590	12/13/2004		EXAMINER
				SHAH, MANISH S
			ART UNIT	PAPER NUMBER
				2853

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/627,150	KABALNOV, ALEXEY S.	
	Examiner	Art Unit	
	Manish S. Shah	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>07/24;8/28/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-10 & 17-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima et al. (# JP 10-279869).

Fukushima et al. discloses a system and method of forming a protective cushion to prevent clogging in an inactive inkjet head (see Abstract), the inactive inkjet print head included at least one nozzle, the method including the steps of heating inkjet ink at least one ink firing chamber at 40 degree C (see Examples), the ink separating into organic surfactant phase and ink colorant phase (figure: 1); and forming the protective cushion at the opening to the at least one nozzle by allowing the organic surfactant phase to settle as a layer on the opening of the at least one nozzle in the ink firing chamber (figure:1-2; see Abstract). They also disclose that the colorant phase having a pigment ([0032]). They also disclose that the ink includes an inorganic salt ([0031]) and organic surfactant phase includes solvent selected from the group including of polyoxyethylene alkyl ([0014]).

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-18 & 21-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Gotoh et al. (# US 6578958).

Gotoh et al. discloses a system and method of forming a protective cushion to prevent clogging in an inactive inkjet head (see Abstract; figure: 1), the inactive inkjet print head included at least one nozzle, the method including the steps of heating inkjet ink at least one ink firing chamber at 40 degree C (see Abstract; figure: 3-6), the ink separating into organic surfactant phase and ink colorant phase (figure: 1); and forming the protective cushion at the opening to the at least one nozzle by allowing the organic surfactant phase to settle as a layer on the opening of the at least one nozzle in the ink firing chamber (figure:1-2; column: 3, line: 45-60; column: 6, line: 55-67). They also disclose that the colorant phase having a pigment (column: 9, line: 15-60). They also disclose that the ink includes an inorganic salt ([0031]) and organic surfactant phase includes solvent selected from the group including of polyoxyethylene alkyl (column: 13, line: 5-20). They also disclose that the surfactant phase includes low polarity oil selected from the group consisting of hydrocarbons, halocarbons and siloxanes (column: 8, line: 30-60; column: 13, line: 45-55).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Matsumoto (# US 6443551) discloses an image forming method and apparatus for ejecting a recording liquid including image forming liquid and non-forming liquid (see Abstract), wherein image forming liquid is extruded into a flow of the image non-forming liquid in a recording liquid channel, and led to the ejection port so that the image forming liquid fail to contact an inner wall surface of the recording liquid channel (see Abstract; figure: 4-7).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manish S. Shah
Primary Examiner
Art Unit 2853


MSS
12/3/04